

Exhibit B

CONDENSED

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1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 -----X
5 TD BANK, N.A.,

6
7 PLAINTIFF,

8 -against-

9 JP MORGAN CHASE BANK, N.A. and MAX KAHAN, INC.,

10 DEFENDANTS.
11 -----X

12 DATE: February 24, 2011

13 TIME: 9:57 a.m.

14 EXAMINATION BEFORE TRIAL of the Defendant,
15 JP MORGAN CHASE BANK, N.A., by CHUN XIAO FAN,
16 taken by the CoDefendant, pursuant to a Notice,
17 held at the LAW OFFICES* of SHELDON EISENBERGER,
18 30 Broad Street, New York, York, before Phyllis
19 F. Russek, a Shorthand Reporter and Notary Public
20 of the State of New York.
21
22

23 RAPID REPORTING LLC
24 254 South Main Street, Suite 216
25 New City, New York 10956
(718) 310-0704

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1 FAN
2 A Hardly, he could read a little bit.
3 Q Okay. Did you read any documents to
4 him -- withdrawn.
5 At that first meeting in Shanghai,
6 did you actually open up a bank account for him?
7 A Bank account already opened.
8 Q He had a bank account opened?
9 A Yes.
10 Q When did he open the bank account?
11 A 2006.
12 Q How did he open that bank account?
13 MS. WEISS: Objection to the form.
14 A We can open -- we can open accounts.
15 Q When you say we, I don't know what
16 that means.
17 A I mean, I --
18 Q Well, who opened the bank account?
19 A I opened it.
20 Q But you never met Mr. Yao?
21 A Yes.
22 Q So, how did you open the bank
23 account?
24 A We -- yeah, he's referred to me by
25 our existing client.

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1 FAN
2 account, you had still not met Mr. Yao, correct?
3 A Yes.
4 Q So, when Mr. Yao transferred the
5 funds into the bank account that was opened, you
6 had not yet gotten a customer profile source of
7 the funds; is that correct?
8 MS. WEISS: Objection.
9 A I have the form, yes.
10 Q You had the form that he filled out?
11 A I filled out, yeah.
12 Q Did you do any verification as to
13 that form to see if any of it was accurate and
14 correct?
15 A No.
16 Q Do you know if that form has to be
17 signed by Mr. Yao?
18 A Yes.
19 Q Does it have to be notarized by Mr.
20 Yao?
21 A No.
22 Q It doesn't have to be, okay. Now,
23 and you had -- Mr. Yang was doing this. Do you
24 know if Mr. Yang had a Power of Attorney?
25 MS. WEISS: Objection to the form.

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1 FAN
2 Q Which is -- who is your existing
3 client?
4 A Mr. Yang, and then we have forms for
5 him to complete.
6 Q You had forms for Mr. Yao to
7 complete?
8 A Right.
9 Q And you gave it to Mr. Yang?
10 A Yes, and Mr. Yang gave it to Mr. Yao.
11 Q Then Mr. Yao filled it out?
12 A Filled out the forms, yes.
13 Q And then Mr. Yao then gave it to Mr.
14 Yang, or did he send it to you?
15 A I don't recall now whether he sent it
16 to me or gave it to Mr. Yao. I don't recall.
17 Q So, let me understand. When the
18 account was opened, you had not yet met Mr. Yao,
19 correct?
20 A Yes.
21 Q When the account was opened, was
22 there a transfer of funds into the account?
23 A Opened with zero, other than Mr. Yao
24 went to Hong Kong, I believe, to wire funds.
25 Q When he wired the funds into the bank

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1 FAN
2 Q To act on behalf of Mr. Yao.
3 MS. WEISS: Objection to the form.
4 A Say it again.
5 Q Do you know if Mr. Yang had a Power
6 of Attorney to act for Mr. Yao's benefit?
7 MS. WEISS: Objection to the form.
8 A Mr. Yao always asked Mr. Yang to
9 manage his account.
10 Q Okay. That's not my question.
11 Please answer my question. Okay? My question
12 is, did Mr. Yang have a Power of Attorney to act
13 on behalf of Mr. Yao?
14 MS. WEISS: Objection to the form.
15 A Yes.
16 Q When did Mr. Yang have that Power of
17 Attorney? When did he obtain it?
18 A I don't recall exactly.
19 Q Did he have the Power of Attorney to
20 act on Mr. Yao's behalf when Mr. Yao's account
21 was opened up?
22 A Not at the beginning.
23 Q Not at the beginning. So, you were
24 dealing with Mr. Yang before he had a Power of
25 Attorney to act on Mr. Yao, correct?